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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,720	09/26/2001	James A. Powell	17674 (13201US01)	9296
7590	07/29/2005			EXAMINER LEON, EDWIN A
Tyco Electronics Corporation 4550 New Linden Hill Road Suite 450 Wilmington, DE 19808-2952			ART UNIT 2833	PAPER NUMBER

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/963,720	POWELL ET AL.	
Examiner	Art Unit		
Edwin A. León	2833		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply:

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 May 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15, 18-24, 26, 30-34, 36-39, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15, 18-24, 26, 30-34, 36-39, 41 and 42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's Response filed May 20, 2005 has been placed of record in the file.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 15, 18-24, 26, 30-34, 36-39, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Czaja (U.S. Patent No. 4,717,360) in view of Applicant's admitted prior art (Page 7, Lines 9-12). With regard to Claims 15, 26, and 30, Czaja discloses a connector device (10) comprising a first connector (10C) including a housing (body of 10C) having opposing sides (sides shown in Fig. 5) and a conductive device (IDC contact not shown, Column 3, Lines 32-50) mounted in the housing (body of 10C); and a second connector (10B) including a housing (body of 10B) having opposing sides (sides shown in Fig. 5) and a conductive device (IDC contact not shown, Column 3, Lines 32-50) mounted in the housing (body of 10B); at least one of the opposing sides (sides shown in Fig. 5) of the first connector (10C) being removably

connected to one of the opposite sides of the second connector (10B), whereby the first connector (10C) is separable from the second connector (10B) such that the first connector (10C) forms an individual connector unit. See Figs. 1-5 and 12-19.

Czaja discloses the claimed invention as shown above except for the use of ultrasonic weld to connect the first and second connectors.

Applicant's admitted prior art discloses that the use of ultrasonic weld (T-weld) to join connectors is well known in the art. See Page 7, Lines 9-12.

Thus, it would have been obvious to one with ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld as taught in Applicant's admitted prior art to attach the connectors provisionally. The method limitations are deemed inherent and are rejected as shown above.

With regard to Claims 18 and 33, Czaja discloses the housings (bodies of 10B and 10C) being formed of a nonconductive material. See Figs. 1-5 and 12-19.

With regard to Claims 19-22, the combination of Czaja and Applicant's admitted prior art discloses the claimed invention except for the housings formed of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being formed of a second nonconductive material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the housings of a polycarbonate material, a polyester material, a polypropylene material, or the first connector housing being formed of one nonconductive material and the second connector housing being formed of a second nonconductive material, since

it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

With regard to Claims 23 and 31-32, Czaja discloses the conductive device (IDC contact not shown, Column 3, Lines 32-50) in each of the housings (bodies of 10B and 10C) is a crimpable device (IDC contact not shown, Column 3, Lines 32-50) adjacent to a channel (14) defined in each of the housings (bodies of 10B and 10C). See Figs. 1-5 and 12-19.

With regard to Claim 24, Czaja discloses the first (10C) and second (10B) connectors further including a crimping portion (14) capable of engaging the crimping device (IDC contact not shown, Column 3, Lines 32-50). See Figs. 1-5 and 12-19.

With regard to Claims 34, 39, and 41-42, Czaja discloses a connector assembly (10) for splicing cable with an automatic crimping tool (Column 3, Lines 32-50), the connector assembly (10) comprising: a plurality of nonconductive housings (bodies of 10B and 10C) joined to one another to form a connector stick (10), each of the housings (bodies of 10B and 10C) holding a conductive connecting device (IDC contact not shown, Column 3, Lines 32-50) and having at least one opening (14) for passage of electrical cabling (36) to the conductive connecting device (IDC contact not shown, Column 3, Lines 32-50), wherein the plurality of joined nonconductive housings (bodies of 10B and 10C) are separable from one another as the cable (2) is spliced there to form individual connector units each having cable (36) spliced thereto. See Figs. 1-5 and 12-19.

Czaja discloses the claimed invention as shown above except for the use of ultrasonic weld to connect the first and second connectors.

Applicant's admitted prior art discloses that the use of ultrasonic weld (T-weld) to join connectors is well known in the art. See Page 7, Lines 9-12.

Thus, it would have been obvious to one with ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld as taught in Applicant's admitted prior art to attach the connectors provisionally. The method limitations are deemed inherent and are rejected as shown above.

With regard to Claim 36, Czaja discloses the housings (bodies of 10B and 10C) comprising first and second portions (sides shown in Fig. 5) movable relative to one another. See Figs. 1-5 and 12-19.

With regard to Claim 37, Czaja discloses each of the conductive connecting devices (IDC contact not shown, Column 3, Lines 32-50) comprising a crimping device (IDC contact not shown, Column 3, Lines 32-50). See Figs. 1-5 and 12-19.

With regard to Claim 38, Czaja discloses the housings (bodies of 10B and 10C) each comprising a channel (14) for receiving cabling (36), and a crimping device (IDC contact not shown, Column 3, Lines 32-50) proximate the channel (14). See Figs. 1-5 and 12-19.

***Response to Arguments***

4. Applicant's arguments filed May 20, 2005 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to Applicant's argument that there is no suggestion to combine the Czaja reference and Applicant's admitted prior art, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209

(CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, In this case, it is the Examiner's opinion that it would have been obvious to one with ordinary skill in the art to modify the connector of Czaja by using ultrasonic weld as taught in Applicant's admitted prior art in order to attach the connectors provisionally. It is well known in the art that T-welds are suitable for this purpose, which would make the combination proper.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

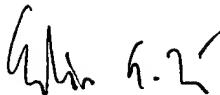
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary Paumen  
Primary Examiner



Edwin A. Leon  
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July 27, 2005